



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

April 12, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2438, an Act relating to the criminal offense of enticing or attempting to entice a minor and providing penalties.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver".

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





House File 2438

AN ACT
RELATING TO THE CRIMINAL OFFENSE OF ENTICING OR ATTEMPTING TO
ENTICED A MINOR AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 710.10, Code 2009, is amended to read as follows:

710.10 Enticing away a minor.

1. A person commits a class "C" felony when, without authority and with the intent to commit sexual abuse or sexual exploitation upon a minor under the age of thirteen, the person entices away ~~the minor under the age of thirteen, or entices away or attempts to entice~~ a person reasonably believed to be under the age of thirteen.

2. A person commits a class "D" felony when, without authority and with the intent to commit an illegal sex act upon or sexual exploitation of a minor under the age of sixteen, the person entices away ~~a minor under the age of sixteen, or entices away or attempts to entice~~ a person reasonably believed to be under the age of sixteen.

3. ~~A person commits an aggravated misdemeanor when, without authority and with the intent to commit an illegal act upon a minor under the age of sixteen, the person attempts to entice away a minor under the age of sixteen, or attempts to entice away a person reasonably believed to be under the age of sixteen.~~

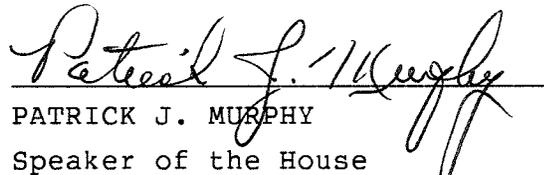
4. ~~A person's intent to commit a violation of this section may be inferred when the person is not known to the person being enticed away and the person does not have the permission of the parent, guardian, or custodian to contact the person being enticed away.~~

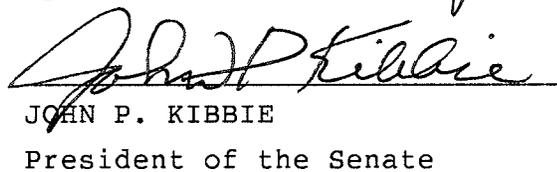
3. A person commits a class "D" felony when, without authority and with the intent to commit an illegal act upon a minor under the age of sixteen, the person entices a person reasonably believed to be under the age of sixteen.

4. A person commits an aggravated misdemeanor when, without authority and with the intent to commit an illegal act upon a minor under the age of sixteen, the person attempts to entice a person reasonably believed to be under the age of sixteen. A person convicted under this subsection shall not be subject to the registration requirements under chapter 692A unless the finder of fact determines that the illegal act was sexually motivated.

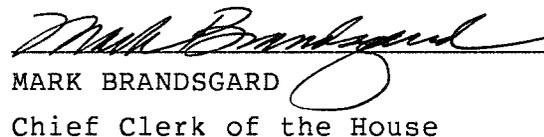
5. A person shall not be convicted of a violation of this section unless the person commits an overt act evidencing a purpose to entice.

~~5.~~ 6. For purposes of determining jurisdiction under section 803.1, an offense is considered committed in this state if the communication to entice ~~away a minor~~ or attempt to entice a person believed to be a minor who is present in this state originates from another state, or the communication to entice ~~away a minor~~ or attempt to entice a person believed to be a minor is sent from this state.

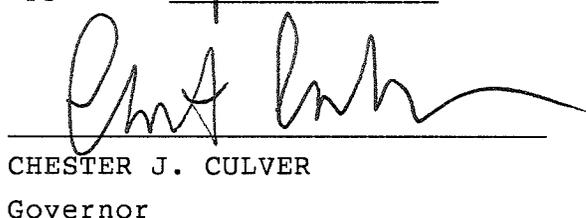

PATRICK J. MURPHY
Speaker of the House


JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2438, Eighty-third General Assembly.


MARK BRANDSGARD
Chief Clerk of the House

Approved April 12th, 2010


CHESTER J. CULVER
Governor